

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Teresa Hollibaugh, RN**

) **STIPULATED ORDER FOR
) PROBATION
)**

**License No. 200111020CNA, RN
APPLICANT, 200743567RN**

) **Reference No. 12-01528**

RN Applicant was initially issued an RN license in the state of Oregon on October 30, 2007. Applicant's RN license expired on January 1, 2011.

On or about January 14, 2008, RN Applicant was promoted to a Mental Health Registered Nurse by her employer. She was removed from trial service on June 23, 2008 based on an alleged inability to meet the demands of the position.

RN Applicant has Usher's Syndrome, which requires the use of assistive devices and limits her abilities in certain clinical settings.

As RN Applicant's condition progressed, she experienced difficulty safely navigating clinical settings, administering medications and participating in emergency response. However applicant has recently taken mobility training which has helped her with her navigation skills, and has become more knowledgeable about appropriate accommodations for administering medications.

RN Applicant is unable, due to her condition, to respond to certain clinical patient demands. However, with reasonable accommodations, Applicant would be able to practice in approved practice settings.

The above conduct is grounds for action pursuant to ORS 678.111(1)(f)(i) and OAR 851-045-0070 (5)(a), which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee.

In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

OAR 851-045-0070: Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(a) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to physical impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose physical condition/status.

That Licensee pursuant to both 200111020CNA and 200743567RN be subject to the following conditions. The Licensee's compliance with this agreement will be by the Oregon State Board of Nursing from date of signature on the Final Order. Limited overtime may be approved on occasion.

Licensee must comply with the following terms and conditions:

- 1) Licensee shall not violate the Nurse Practice Act (ORS chapter 678) or the rules adopted thereunder.
- 2) Licensee will be subject to this Stipulation indefinitely or until such time Licensee provides evidence of improved functioning that will not require monitored practice.
- 3) Licensee shall notify the Board, in writing, prior to any change of address or employment setting, including resignation or termination, during the Stipulation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee agrees to only practice in approved capacities and refrain from practicing in a clinical setting where she would perform direct patient care in crisis settings where her impairment would likely put the health or safety of patients or others at issue.
- 6) Licensee shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the Stipulation period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of status of her license this Stipulation, the reasons for this Stipulation (that she suffers from Usher's syndrome), and the terms and conditions of this Stipulation. If there is a Nurse Executive, that person is to be informed of licensee's status. The Nurse Executive will receive copies of this Stipulation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within five (5) business days from the time the employer is contacted, Board staff will contact probationer to inform her of the situation. If the Board still does not receive the report within 10 days after probationer is contacted, the probationer may be restricted from practice. The frequency of employer reports may be reviewed and revised at the discretion of Board staff.
- 11) The Nurse Executive or comparable person, shall inform the Board of any instance of the licensee's non-compliance with the terms and conditions of this Stipulation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice as a nurse.
- 12) Licensee shall not work in any practice setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings, without prior approval with the Board.
- 13) Licensee shall cease practicing as a nurse if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by the Board staff, in consultation with her employer.

14) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Pursuant to this stipulation it is agreed that :

- 1) Applicant's RN license shall be reinstated subject to the above conditions.
- 2) Pursuant to this stipulation current CNA certificate remains in effect.
- 3) Applicant understands that she may be represented by counsel throughout the pendency of this stipulated monitoring.

Licensee understands that the conduct described in this Stipulation is considered by the Board to be of a serious nature.

Licensee also understands that in the event she engages in future conduct resulting in violations of the law or terms of this Stipulation the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Registered Nurse.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into this stipulated agreement, she waives the right to an administrative hearing regarding the matters at issue in this matter.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands this Stipulation completely, and freely signs this Stipulation.

IT IS SO AGREED:

Teresa Hollibaugh, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE